



February 24, 2025

Clifton Cislak
Clerk of Court
U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Ave., NW
Washington, DC 20001

VIA CM/ECF

*Re: Newman v. Moore, No. 24-5173; Rule 28(j) Letter
(Oral Argument scheduled for April 24, 2025)*

Dear Mr. Cislak:

Judge Newman submits this letter in response to Defendants-Appellees' letter of February 7, 2025.¹

Defendants-Appellees attached to their letter an order issued by the Special Committee that same day² and accompanying expert reports that served as the basis for the order. This Court need not decide whether to credit Judge Newman's experts or the Special Committee's experts. At

¹ Judge Newman notes that this letter is highly unusual, if not improper, because it does not cite any supplemental authority, but instead, consists entirely of documents written by Defendants-Appellees themselves and/or their hired experts.

² On February 19, 2025, Judge Newman submitted a response to that order. Despite Judge Newman's request, Defendants-Appellees, as has become their practice, have not released this document.

the same time, the filing of these expert reports reveals three concerns that are relevant to the issues before this Court.

First, one of the Committee’s experts opined (without examining Judge Newman) that “that the correct diagnosis should have been M[ild] C[ognitive] I[mpairment]. … [B]ased on the information that is available, in the standard of practice it cannot be said that her cognition is normal.” Report of James Noble at 21-22. That a doctor was able to reach such a definitive conclusion³ indicates that the Committee’s claim is untrue that Judge Newman’s ostensible non-cooperation has “thwarted” its ability to come to an “informed conclusion” as to her capacity to continue in office.

Second, Defendants-Appellees’ reliance on such diagnoses undermines their claim that “[t]he keys to [Judge Newman’s] suspension are in her pocket.” Resp.Br.28. “If the keys truly are in Judge Newman’s pocket, one wonders why the Judicial Council seems to be providing the prison guards with additional ammunition to keep her off the job.” Paul Cassell, *The Battle over Judge Newman’s Unconstitutional ‘Stealth Impeachment’ Continues*, <https://tinyurl.com/2pkp8y35>.

Third, the mere fact that the Committee hired “adversarial experts raises new questions about bias against Judge Newman.” *Id.* This fact further supports Judge Newman’s argument that Defendants-Appellees’ conduct violates her right to Due Process of Law.

Respectfully submitted,
/s/ *Gregory Dolin*
Senior Litigation Counsel
NEW CIVIL LIBERTIES ALLIANCE

³ Of course, given the basis for her own experts’ opinions, Judge Newman disputes Dr. Noble’s conclusions.

CERTIFICATE OF COMPLIANCE

This letter complies with the type-volume limit of Federal Rule of Appellate Procedure 28(j) because it contains 348 words. The letter also complies with the typeface and type-style requirements of the Federal Rule of Appellate Procedure because it was prepared using Microsoft Word in Century Schoolbook 14-point font, a proportionally spaced typeface.

/s/Gregory Dolin

Gregory Dolin

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing all registered users associated with this case.

/s/Gregory Dolin

Gregory Dolin